

PTO/SB/25 (10-08)

Approved for use through 10/31/2002. OMB 0651-003
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
to a collection of information unless it displays a valid OMB control number.

U.S. PATENT AND TRADEMARK OFFICE, U.S. DEPARTMENT OF COMMERCE

**TERMINAL DISCLAIMER TO OBViate A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)
58575-279179

In re Application of: IMAGEABLE COMPOSITION CONTAINING INFARED ABSORBER WITH COUNTER ANION DERIVED FROM A NON-VOLATILE ACID

Application No. 09/933,884

Filed: August 21, 2001

For: Kodak Polychrome Graphics

The owner, Kodak Polychrome Graphics, LLC of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which ~~would~~ extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/933,864, filed on August 21, 2001 (Publication No. 2003/0082474, published May 1, 2003). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

August 12, 2003

Signatures

Date

Paul W. Busse #32403

Typed or printed name

Terminal disclaimer fee under 37 CFR 1.20(d) is included

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2028.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/06 may be used for making this certification. See MPEP § 2214.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P. O. MAIL STOP 1450, ALEXANDRIA, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. MAIL STOP 1450, ALEXANDRIA, VA 22313-1450

F&B 4/02

08/25/2003 RUIMEBUSH 00000002 3884
11 55-1014

OCT 1